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10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA**

12 MATRIX INTERNATIONAL TEXTILE,
13 INC., a California Corporation,

14 Plaintiff,

15 v.

16
17 NOTATIONS, INC., a Pennsylvania
18 Corporation; ROSS STORES, INC., a
19 Delaware Corporation; and DOES 1 through
20 10,

21 Defendants.

Case No.:

PLAINTIFF'S COMPLAINT FOR
COPYRIGHT INFRINGEMENT

Jury Trial Demanded

22 Matrix International Textile, Inc., by and through its undersigned attorneys,
23 hereby prays to this honorable Court for relief based on the following:

24 **JURISDICTION AND VENUE**

25 1. This action arises under the Copyright Act of 1976, Title 17 U.S.C., § 101
26 *et seq.*

1 8. Plaintiff is informed and believes and thereon alleges that at all times
2 relevant hereto each of the Defendants was the agent, affiliate, officer, director,
3 manager, principal, alter-ego, and/or employee of the remaining Defendants and was
4 at all times acting within the scope of such agency, affiliation, alter-ego relationship
5 and/or employment; and actively participated in or subsequently ratified and/or
6 adopted each of the acts or conduct alleged, with full knowledge of all the facts and
7 circumstances, including, but not limited to, full knowledge of each violation of
8 Plaintiff's rights and the damages to Plaintiff proximately caused thereby.

9 **CLAIMS RELATED TO DESIGN NO. MX8274V**

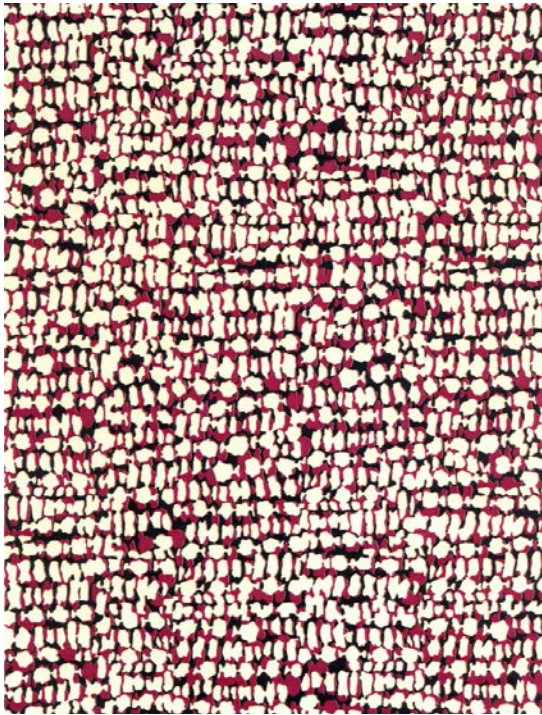
10 9. Plaintiff owns an original two-dimensional artwork used for purposes of
11 textile printing entitled MX8274V ("Subject Design") which has been registered
12 with the United States Copyright Office.

13 10. Prior to the acts complained of herein, Plaintiff widely disseminated fabric
14 bearing Subject Design to numerous parties in the fashion and apparel industries.

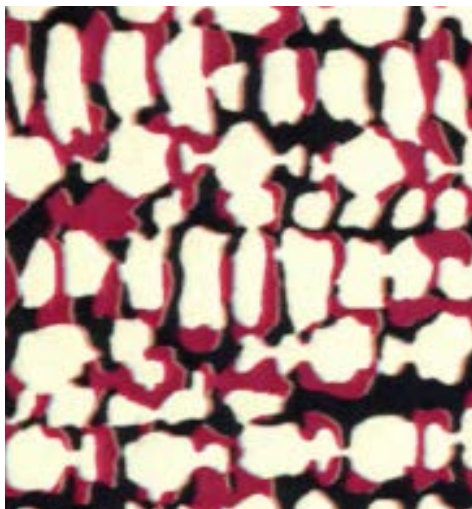
15 11. Plaintiff is informed and believes and thereon alleges that following its
16 distribution of Subject Design, NOTATIONS, ROSS, DOE Defendants, and each of
17 them distributed and/or sold fabric and/or garments featuring a design which is
18 substantially similar to Subject Design (hereinafter "Subject Product") without
19 Plaintiff's authorization, including but not limited to products sold by ROSS under
20 SKU 400094741849 and Style No. MSTB0316 and RN 58719, indicating that it was
21 manufactured by or for NOTATIONS.

22 12. An image of Subject Design and an exemplar of Subject Product are set
23 forth hereinbelow:
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Subject Design A



Subject Product A



FIRST CLAIM FOR RELIEF

(For Copyright Infringement - Against All Defendants, and Each)

13. Plaintiff repeats, realleges and incorporates herein by reference as though

1 fully set forth the allegations contained in the preceding paragraphs of this
2 Complaint.

3 14. Plaintiff is informed and believes and thereon alleges that Defendants, and
4 each of them, had access to Subject Design, including, without limitation, through
5 (a) access to Plaintiff's showroom and/or design library; (b) access to illegally
6 distributed copies of Subject Designs by third-party vendors and/or DOE
7 Defendants, including without limitation international and/or overseas converters
8 and printing mills; (c) access to Plaintiff's strike-offs and samples, and (d) access to
9 garments in the marketplace manufactured with lawfully printed fabric bearing
10 Subject Design.

11 15. Plaintiff is informed and believes and thereon alleges that one or more of
12 the Defendants manufactures garments and/or is a garment vendor. Plaintiff is
13 further informed and believes and thereon alleges that said Defendant(s), and each of
14 them, has an ongoing business relationship with Defendant retailers, and each of
15 them, and supplied garments to said retailers, which garments infringed Subject
16 Designs in that said garments were composed of fabric which featured unauthorized
17 print designs that were identical or substantially similar to Subject Designs, or were
18 an illegal modification thereof.

19 16. Plaintiff is informed and believes and thereon alleges that Defendants, and
20 each of them, infringed Plaintiff's copyright by creating, making and/or developing
21 directly infringing and/or derivative works from Subject Designs and by producing,
22 distributing and/or selling Subject Products through a nationwide network of retail
23 stores, catalogues, and through on-line websites.

24 17. Due to Defendants', and each of their, acts of infringement, Plaintiff has
25 suffered damages in an amount to be established at trial.

26 18. Due to Defendants', and each of their, acts of copyright infringement as
27 alleged herein, Defendants, and each of them, have obtained profits they would not
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1 otherwise have realized but for their infringement of Subject Designs. As such,
2 Plaintiff is entitled to disgorgement of Defendants', and each of their, profits
3 attributable to the infringement of Subject Designs in an amount to be established at
4 trial.

5 19. Plaintiff is informed and believes and thereon alleges that Defendants, and
6 each of them, have committed copyright infringement with actual or constructive
7 knowledge of Plaintiff's rights such that said acts of copyright infringement were,
8 and continue to be, willful, intentional and malicious.

9 **PRAYER FOR RELIEF**

10 Wherefore, Plaintiff prays for judgment as follows:

- 11 a. That Defendants—each of them—and their respective agents and
12 servants be enjoined from importing, manufacturing, distributing,
13 offering for sale, selling or otherwise trafficking in any product that
14 infringes Plaintiff's copyrights in Subject Designs;
- 15 b. That Plaintiff be awarded all profits of Defendants, and each of them,
16 plus all losses of Plaintiff, the exact sum to be proven at the time of trial,
17 or, if elected before final judgment, statutory damages as available under
18 the Copyright Act, 17 U.S.C. § 101 et seq.;
- 19 c. That Plaintiff be awarded its attorneys' fees as available under the
20 Copyright Act U.S.C. § 101 et seq.;
- 21 d. That Plaintiff be awarded pre-judgment interest as allowed by law;
- 22 e. That Plaintiff be awarded the costs of this action; and
- 23 f. That Plaintiff be awarded such further legal and equitable relief as the
24 Court deems proper.

1 Plaintiff demands a jury trial on all issues so triable pursuant to Fed. R. Civ. P.
2 38 and the 7th Amendment to the United States Constitution.

3 Dated: December 15, 2015

DONIGER/BURROUGHS

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5 By: /s/ Stephen M. Doniger
6 Stephen M. Doniger, Esq.
7 Frank Gregory Casella, Esq.
8 Attorneys for Plaintiff
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